

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JARED ANDREW MARTIN,
Plaintiff,
v.
GAVIN NEWSOM, *et al.*,
Defendants.

Case No. 1:22-cv-00056-JLT-CDB (PC)

FINDINGS AND RECOMMENDATIONS
TO DISMISS FOR FAILURE TO STATE
A CLAIM

(Docs. 1, 14)

FOURTEEN (14) DAY DEADLINE

Plaintiff Jared Andrew Martin is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action brought under 42 U.S.C. § 1983. Plaintiff filed a class action complaint alleging systemic and institutional racism and a pattern of racial discrimination at Kern Valley State Prison. (Doc. 1.)

On June 22, 2023, the Court entered a screening order finding Plaintiff's complaint fails to state a claim upon which relief can be granted. (Doc. 14.) The Court granted Plaintiff leave to amend the complaint within thirty days and advised: "**If Plaintiff fails to comply with this Order, the Court will recommend that this action be dismissed for failure to state a claim.**" (*Id.* at 11.)

On July 7, 2023, the screening order was returned by the United States Postal Service as "Undeliverable, Not in Custody." Pursuant to Local Rule 182, if a pro se party fails to notify the court of a change of address, "service of documents at the prior address [of record] of the . . .

1 party shall be fully effective.” L.R. 182(f). Plaintiff did not respond to the order, and the time to
2 do so has passed.

3 Accordingly, it is hereby RECOMMENDED:

- 4 1. The Court DISMISS this action WITH PREJUDICE for failure to state a
5 claim upon which relief can be granted; and
6 2. Direct the Clerk of Court to close the case.

7 These Findings and Recommendations will be submitted to the United States District
8 Judge assigned to the case pursuant to the provisions of 28 U.S.C. § 636(b)(1). **Within fourteen**
9 **(14) days** after being served with these Findings and Recommendations, the parties may file
10 written objections with the Court. The document should be captioned, “Objections to Magistrate
11 Judge’s Findings and Recommendations.” The parties are advised that failure to file objections
12 within the specified time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*,
13 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir.
14 1991)).

15 IT IS SO ORDERED.

16 Dated: August 30, 2023

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UNITED STATES MAGISTRATE JUDGE